

**A **Lawyer's Guide** to the  
Issuance of Free Patents  
to Residential Lands under  
Republic Act No. 10023**



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## LIST OF ABBREVIATIONS

<b>ADR</b>	Alternative Dispute Resolution
<b>CENRO</b>	Community Environment and Natural Resources
<b>DENR</b>	Department of Environment and Natural Resources
<b>HUC</b>	Highly-Urbanized City
<b>IRR</b>	Implementing Rules and Regulations
<b>LIO</b>	Land Investigation Officer
<b>LGC</b>	Republic Act No. 7160, "Local Government Code of 1991"
<b>LMB</b>	Land Management Bureau
<b>MSA</b>	Miscellaneous Sales Patent Application
<b>PENRO</b>	Provincial Environment and Natural Resources Office
<b>PSA</b>	Philippine Statistics Authority
<b>RA 9225</b>	Republic Act No. 9225, "Citizenship Retention and Re-acquisition Act of 2003"
<b>RA 10023</b>	Republic Act No. 10023, "An Act Authorizing the Issuance of Free Patents to Residential Lands"
<b>RD</b>	Register of Deeds
<b>RTC</b>	Regional Trial Court
<b>SMD</b>	Surveys and Mapping Division





## ABOUT THIS GUIDE

The Philippines is home to some 24 million parcels of land, only half of which are formally titled. Many Filipinos live, cultivate, and build on plots of land without such formal titles. This lack of security prevents them from using their lands as collateral to secure loans, thereby hindering business opportunities, increased employment, and economic growth.

In 2007, The Asia Foundation, along with a coalition of public advocacy organizations, legislators, and government agencies, began working towards the introduction of reforms to the administrative titling process. The fruit of this effort was Republic Act No. 10023, which was approved on March 9, 2010. Under the new, simplified titling process, the number of land titles issued each year has dramatically increased from 4,000 prior to 2010 to 60,000 each year since the passage of the law.

The objective of this guide is to increase awareness of RA 10023 and its legal procedures. The guide consists of questions and answers on the residential free patent titling process, as well as template documentation which may be used for patent applications. We hope that by providing this practical guide, more low-income Filipinos will be able to make use of the procedure to formalize title to their lands.

## Free patents: A brief background

Commonwealth Act No. 141, as amended (Public Land Act), provides for a procedure for the issuance of free patents over agricultural lands. Under the said law, a free patent is a mode of disposition of public alienable and disposable lands to long time possessors and cultivators of such lands. A natural-born Philippine citizen, who is not the owner of more than twelve (12) hectares of land, may obtain a free patent if he/she, by him/herself or through his/her predecessors-in-interest, has continuously occupied and cultivated public agricultural land subject to disposition for at least thirty (30) years prior to April 15, 1990<sup>1</sup>. An application for a free patent under the Public Land Act should be made no later than December 31, 2020. Under this law, free patents are issued only in respect of agricultural lands.

With the passage of Republic Act No. 10023 in 2010<sup>2</sup>, the issuance of free patents is no longer limited to public agricultural lands, as residential lands may now be the subject of a free patent application. Notably, RA 10023 requires a shorter period of occupation of ten (10) years, compared to the thirty (30) years prescribed by the Public Land Act. This new law also imposes a mandatory 120 + 5-day processing period for applications to ensure a faster and more efficient titling process.

## Administrative Implementation

Section 7 of RA 10023 imposed upon the Director of the Land Management Bureau (LMB), Department of Environment and Natural Resources (DENR) the obligation to promulgate such rules and regulations to carry out the provisions of the law. In line with this directive, DENR released Administrative Order No. 12-10<sup>3</sup> providing for Rules and Regulations for the Issuance of Free Patents to Residential Lands under Republic Act No. 10023. The Department likewise issued Memorandum Circular No. 11-10, Prescribing the Forms for the Processing of Residential Free Patent Applications under RA 10023 as Implemented by DENR Administrative Order No. 2010-12 dated 5 May 2010.

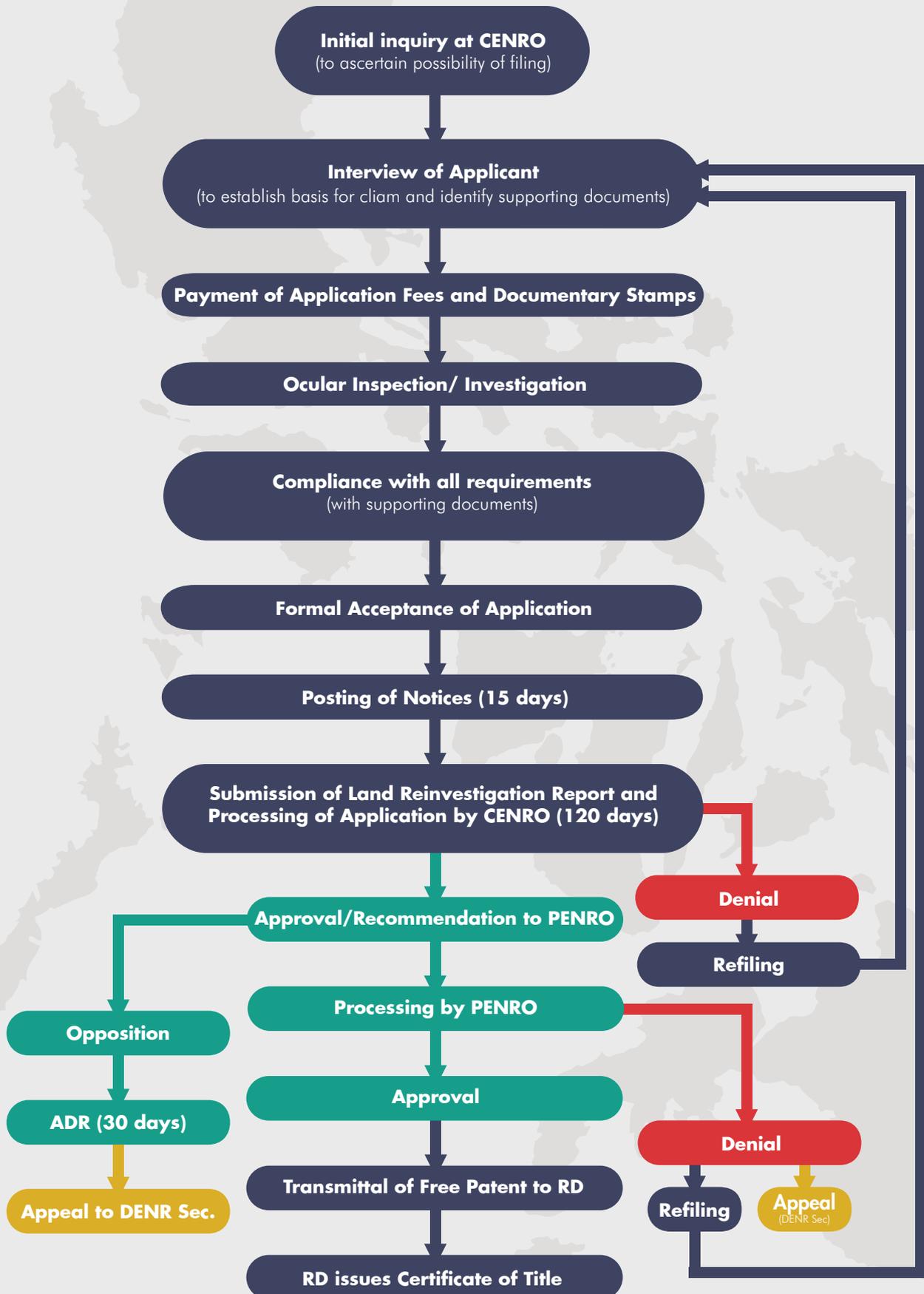
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<sup>1</sup>Section 44 of the Public Land Act

<sup>2</sup>Published in the Philippine Star on March 9, 2010. The text of the law is appended to this Briefer as Annex "A".

<sup>3</sup>The text of the Administrative Order is found in Annex B of this Guide.

# Processing and Issuance of Residential Free Patents under RA 10023



# RA 10023:

## What you need to know

### **what is a free patent?**

Under Section 11 of the Public Land Act, a free patent is a mode of disposition of public agricultural land whereby an incomplete or imperfect title over a parcel of land is administratively legalized.

### **what is an incomplete or imperfect title that can be subject of a free patent application?**

An incomplete or imperfect title that can be the proper subject of a free patent application under the Public Land Act is one that arises from the continuous occupation and cultivation of public agricultural lands subject to disposition.

### **what is the difference between a free patent under RA 10023 and Public Land Act?**

Under the Public Land Act, a free patent may be issued over public agricultural land, while under RA 10023, a free patent covers public agricultural land zoned as residential land. To be able to obtain a free patent under the Public Land Act, the applicant must have been occupying and cultivating the subject public agricultural land for at least thirty (30) years prior to April 15, 1990. On the other hand, RA 10023 requires actual occupancy for at least ten (10) years.

## Persons qualified to apply

### **Q: Who may apply for a residential free patent under RA 10023?**

A: Any Filipino citizen who is an actual occupant of a residential land may apply for a free patent under the law. The following are Filipino citizens:

1. Those who are citizens of the Philippines at the time of the adoption of the 1987 Constitution;
2. Those whose fathers or mothers are citizens of the Philippines;
3. Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and
4. Those who are naturalized in accordance with law.

### **Q: May dual citizens apply for a residential free patent?**

A: Yes. The Implementing Rules & Regulations (IRR) of RA 10023 expressly provide that dual citizens may apply. Dual citizens are those natural-born Filipinos who have lost their Philippine citizenship due to naturalization as a citizen of another country, but have reacquired the same under the provisions of the Citizenship Retention and Reacquisition Act of 2003 (RA 9225).

### **Q: What other qualifications must an applicant possess?**

A: An applicant for a residential free patent must have actual occupation, actual residence and continuous possession and occupation of the parcel subject of the application, either by himself or through her or his predecessor-in-interest, under a bona fide claim of acquisition of ownership, for at least ten (10) years prior to the filing of the application.

### **Q: Who is considered an “actual occupant”?**

A: An actual occupant is any person who, either by herself or himself or through her or his predecessor-in-interest, is occupying, living in, inhabiting or staying in a structure, the primary purpose of which is to serve as the residence of such person, situated on the parcel of land subject of the free patent application.

### **Q: May OFWs qualify as actual occupants for purposes of applying for a residential free patent?**

A: Yes, OFWs may apply for free patents. The IRR of RA 10023 provides that persons employed in distant locations, either foreign or domestic, in public or private services, such that they are not able to stay at their place of residence for long periods of time, are deemed actual occupants. Moreover, “actual residence,” as used in the IRR of RA 10023, may either be continuous or interrupted or intermittent.

### **Q: Who are considered “predecessors-in-interest”?**

A: A predecessor-in-interest is a person who, before having lawfully transferred the parcel of land subject of the application to the applicant, has held and possessed the same in her or his own right and under a color of title acquired through any of the modes of acquisition recognized by the Civil Code, such as:

1. Law
2. Donation
3. Testate or interstate succession
4. Tradition, which includes: execution of a public instrument; *tradition brevi manu*<sup>8</sup>; *traditio longa manu*<sup>9</sup>; and *tradition constitutum possessorium*.

In the case of *Ortiz v. Court of Appeals*, the Supreme Court specifically recognized tradition by way of execution of a public instrument as a mode of acquiring land. The Court held that “the execution of a public instrument of conveyance is one of the recognized ways in which delivery (tradition) of lands may be made.”

Under the IRR of RA 10023, a predecessor-in-interest is a person who has formerly occupied a parcel of land in the concept of an owner under a bona fide claim of acquisition of ownership, but relinquishes her or his right over the same in favor of the applicant. Lawful transfers of land may be effected through a contract of sale, execution sales, deeds of assignment or donation, and other similar acts of disposition.

**Q: What is meant by “bona fide claim of acquisition of ownership”?**

A: An applicant has a bona fide claim of acquisition of ownership if she or he possesses a claim for the parcel of land that is legally adequate as proof of possession. The claim must be such that the community recognizes the applicant as the owner of such parcel to the exclusion of all others.

In a case decided by Supreme Court, it acknowledged the bona fide claim of ownership put forward by the applicant based on the following acts performed by said applicant:

“She had the land surveyed and the survey thereof was approved by the Director of Lands...; that in the exercise of her rights of ownership over the land, she appointed an overseer to supervise the work thereon, declared the land for taxation purposes...and introduced thereon considerable improvements...”

On the other hand, a claim may not be said to be bona fide if the claimant is aware of a flaw in his title or mode of acquisition.

**Q: May minors apply for a residential free patent?**

A: Yes. Minors may apply for a residential free patent. There is no age requirement to be a qualified applicant. However, applicants who are aged below eighteen (18) years old have to be duly represented by their legal guardians. The following may be considered legal guardians:

1. The father and the mother shall jointly exercise legal guardianship over the person and property of their unemancipated common child without the necessity of a court appointment.
2. In default of parents or a court-appointed guardian, the court may appoint a guardian of the person or property, or both, of a minor, observing as far as practicable, the following order of preference<sup>15</sup>:
  - a. The surviving grandparent and in case several grandparents survive, the court shall select any of them taking into account all relevant considerations;
  - b. The oldest brother or sister of the minor over twenty-one years of age, unless unfit or disqualified;
  - c. The actual custodian of the minor over twenty-one years of age, unless unfit or disqualified; and
  - d. Any other person, who in the sound discretion of the court, would serve the best interests of the minor.

In practice, however, the DENR does not require that the minor be represented by a court-appointed guardian. It is enough that a person of legal age represent the minor.

## Lands covered

### **Q: What lands are covered by RA 10023?**

A: All alienable and disposable lands that are zoned through an appropriate ordinance by the local government unit as residential (residential lands) are covered by the law, including:

1. Townsites – proclaimed areas specifically reserved for the establishment of a new town under the Public Land Act;
2. Zoned residential areas located inside a delisted military reservation or abandoned military camp; and
3. Residential lands within areas zoned as mixed residential and commercial or mixed residential and industrial.

### **Q: Where can information on or copies of zoning ordinances be obtained?**

A: As zoning ordinances are enacted by the Sangguniang Panglungsod/Bayan of the city or municipality pursuant to the Local Government Code (LGC), the full text of the ordinances may be accessed through the city or municipality's official website. Should such information be unavailable online, the interested party may proceed to the office of the Sanggunian concerned to obtain a copy of the relevant ordinances. Sanggunian offices are usually located in the city or municipal hall.

The City/Municipal Planning and Development Office or Zoning Office may also issue a zoning certification over a particular parcel of land.

### **Q: What are alienable and disposable lands?**

A: Alienable and Disposable Lands are lands of the public domain classified as agricultural that may be acquired through grant or confirmation of title.

Agricultural Lands are distinguished from forest or timberlands, mineral lands, and national parks, all of which are land classifications under the 1987 Constitution. These agricultural lands are further classified according to their use under the Local Government Code. Lands may be zoned as:

- Residential
- Agricultural
- Commercial
- Industrial
- Mineral
- Timber

The term also refers to lands devoted to or suitable for the cultivation of the soil, planting of crops, growing of trees, raising of livestock, poultry, fish or aquaculture production, including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operations by persons whether natural or juridical and not classified by the law as mineral land, forest land, residential land, commercial land, or industrial land.

### **Q: When may a parcel of land be considered alienable and disposable?**

A: A parcel of land may be considered alienable and disposable if there is a positive act by the Government declaring it as such. The exclusive prerogative to classify public lands under existing laws is vested in the Executive Department. Thus, to prove that a certain parcel of land is alienable and disposable, an applicant must establish the existence of either of the following acts:

- A Presidential Proclamation or Executive Order; or
- A law duly enacted by Congress

Before an applicant may successfully lodge his application for a residential free patent, CENRO must issue a Certification of Status of Land, confirming that the subject parcel of land is alienable and disposable.

**Q: What are some examples of properties for public use or public service?**

A: Properties for public use are those which are open to the general public, such as:

- Public plazas
- Parks
- Resorts
- Roadways
- Recreational facilities
- Libraries
- Meeting places
- Playgrounds
- Public parking lots

On the other hand, properties used for public service are lands utilized exclusively by the government or any of its instrumentalities in providing basic services to the general public, including:

- Marketplaces
- Town, city, provincial, or barangay halls
- Hospitals
- Clinics and health centers
- Police stations
- Outposts
- Jails

## Application requirements

### **Q: What are the documentary requirements for a residential free patent application?**

A: A free patent application must be supported by the following documentary requirements:

1. Duly accomplished application form (Annex "C");
2. Copy of DENR approved plan or copy of cadastral map showing the parcel of land applied for;
3. Copy of technical description;
4. Simplified sketch;
5. Two (2) affidavits of disinterested persons (Annex "D"); and
6. Certification of no pending land registration proceedings covering the land applied for from the Regional Trial Court (RTC).

The checklist of requirements for residential free patent applications are listed in DENR Memorandum Circular No. 11-10 (Annex "E").

### **Q: May the approving authority request for other documents from applicants in order to establish their claim?**

A: Yes, in cases where the applicant is not the current lot occupant or the tax declarant. Examples of these supporting documents include:

1. *Extra-Judicial Settlement and Partition* (Annex "F") – This is pursuant to Section 1 of Rule 74 of the Rules of Court. If the decedent left no will and no debts and the heirs are all of age, or the minors are represented by their judicial or legal representatives duly authorized for the purpose, the parties may without securing letters of administration, divide the estate among themselves as they see fit by means of a public instrument filed in the office of the register of deeds, and should they disagree, they may do so in an ordinary action of partition.
2. *Deed of Conveyance* (Annex "G") – a document which evidences that a title or interest in real estate has been transferred.
3. *Affidavit of Self-Adjudication* (Annex "H") – In case of extra judicial settlement of an estate with only one heir, such heir may adjudicate to himself the entire estate by means of an affidavit filed in the office of the register of deeds. (Section 1 of Rule 74 of Rules of Court)
4. *Death Certificate* – a Death Certificate is an official document setting forth particulars relating to a dead person, including the name of the individual, the date of birth and the date of death.

### **Q: What is an approved survey plan?**

A: An approved survey plan is a plan approved by DENR Regional Office, the function of which is to verify and approve original and subdivision survey plans for all purposes in order to assure compliance with established standards and minimize irregularities in the execution of land surveys.

It refers to a survey plan showing the metes and bounds of a parcel of agricultural land and other pertinent information, verified and approved by proper DENR Authority. The geodetic engineer conducting the survey must submit a survey return to the Surveys and Mapping Division (SMD) of DENR. Various units of SMD verify the contents of the survey before the same is reviewed by the Chief of SMD. Afterwards, the plan is forwarded to the Assistant Regional Director for Technical Services for signing.

### **Q: What is a cadastral map?**

A: A cadastral map is made as a result of a cadastral survey, drawn to appropriate scale and showing all land parcels and important natural and man-made features within a municipality/project, for purposes of describing and recording ownership. The DENR is the department tasked to execute, supervise and manage the conduct of cadastral surveys.

**Q: What is a technical description?**

A: Technical description identifies land subject of a patent or title using survey/plan number, lot number, and estimating its location and size using bearings, distances, corner description, and metes and bounds.

**Q: Who is a “disinterested person”?**

A: A disinterested person is one who personally knows the applicant for the issuance of a residential free patent and an actual resident of the barangay where the land subject of the application is located. He must not be related to applicant either by consanguinity or affinity and not, in any way, interested in the residential land applied for or in the granting of a residential free patent. Moreover, he must have knowledge that the applicant or his/her predecessors-in-interest has actually resided on and continuously possessed and occupied, under a bona fide claim of acquisition of ownership, the subject land for at least ten (10) years by himself or through his predecessors-in-interest.

## Limitations

**Q: Can an applicant file several applications covering different parcels of land?**

A: No. Only one application is allowed per applicant.

**Q: What are the area limitations to the grant of a residential free patent?**

A: The maximum area of a parcel of land that may be subject of a residential free patent application varies depending on the income classification of the local government unit in which it is located.

TYPE OF LGU	INCOME REQUIREMENT	MAXIMUM AREA
Highly-urbanized cities (HUCs)	Latest annual income of at least 50,000,000 PhP *minimum population of 200,000	200 sq. m.
Other cities	Average annual income of 20,000,000 PhP	500 sq. m.
First class municipalities	Average annual income of 55,000,000 PhP	750 sq. m.
Second class municipalities	Average annual income equal to or more than 45,000,000 PhP but less than 55,000,000 PhP	750 sq. m.
Other municipalities	Average annual income of at least 2,500,000 PhP	1,000 sq. m.

The list of cities/municipalities in the Philippines and their corresponding income classifications may be viewed at the Philippine Statistics Authority (PSA) website: [http://nap.psa.gov.ph/activestats/psgc/articles/con\\_income.asp](http://nap.psa.gov.ph/activestats/psgc/articles/con_income.asp).

## Application process

**Q: Where should the application be filed?**

A: Applications for residential free patent shall be filed in the Community Environment and Natural Resources Office (CENRO) whose jurisdiction covers the area where the parcel of land subject of the application is situated.

**Q: Are there other offices authorized to receive the application?**

A: Yes. The CENRO may also authorize any public office to accept applications and to prepare applications and documents for processing.

**Q: Will an incomplete submission be accepted?**

A: No. An application will not be accepted/processed unless the complete requirements are submitted. However, a disapproval of an application based on non-compliance with documentary requirements is without prejudice to refiling.

**Q: How long does the application process take?**

A: The CENRO is required to process the application within a non-extendible period of one hundred twenty (120) days from the date of filing. Upon approval, it shall forward the same to the Provincial Environment and Natural Resources Office (PENRO) which has a non-extendible period of five (5) days from receipt of the application to approve or disapprove the same.

## Conflicting claims

### **Q: Is there a procedure to be followed in case of conflicting claims?**

A: Yes. DENR Administrative Order No. 2016-31 lays down the procedure in the investigation and resolution of land claims and conflicts cases. Section 2(a) of the said order states that the rules laid down therein covers claims and conflicts involving residential free patents.

### **Q: Who may file a claim over unpatented land?**

A: Claims and conflicts over unpatented lands shall be commenced by the claimant, aggrieved party or his/her duly authorized representative with a special power of attorney.

### **Q: Where are claims filed?**

A: Claims are filed with CENRO having jurisdiction over the land subject of the claim. In case the protest is in the National Capital Region, the Protest shall be filed with the Legal Division of DENR-NCR. In areas without a CENRO, the Protest shall be filed in the appropriate implementing PENRO.

### **Q: What document must the claimant file?**

A: A verified Protest.

### **Q: What are the requirements of a verified Protest?**

A: It must be written in clear, simple, brief and concise language in either English or Filipino and must contain:

1. Names of the parties;
2. Their addresses;
3. Material allegations;
4. Grounds relied upon; and
5. Documentary and other forms of evidence to support the allegations.

A Protest must also be accompanied by the following documents (in 3 copies):

1. Certificate to file action from barangay concerned, if applicable;
2. Verification and Certification of Non-Forum Shopping;
3. Proof of payment of Protest Fee; and
4. A recent 2x2 picture of the protestant and his or her duly authorized representative and the subject lot/s.

### **Q: What happens after the Protest is filed?**

A: Summons shall be issued together with a copy of the Protest and the annexes upon the Protestee or his duly authorized representative, who is required to file an Answer within 15 days from the receipt thereof.

### **Q: What are the requirements for a valid Answer?**

A: The Answer shall be in writing, verified, and shall contain material facts which either be in specific denial or affirmation of the allegations in the Protest. It shall be accompanied by proof including a list of the witnesses and their individual addresses. The Answer shall be filed in 3 copies.

### **Q: Are there any prohibited pleadings in a Protest proceeding?**

A: The following pleadings or motions are not allowed:

1. Motion to dismiss the Protest
2. Motion for a bill of particulars
3. Motion for extension of time to file pleadings, except to file an Answer, the extension not to exceed 15 days
4. Reply and Rejoinder
5. Dilatory motion for postponement

**Q: What happens after the Protest and Answer are filed?**

A: After the issues in a Protest have been joined, an ocular inspection shall be scheduled and conducted. Thereafter, the case shall be referred to Alternative Dispute Resolution (ADR). The Land Investigation Officer (LIO) may be designated as the mediator if there are no other qualified and trained DENR personnel available.

**Q: What is Alternative Dispute Resolution (ADR)?**

A: "Alternative Dispute Resolution" means any process or procedure used to resolve a dispute or controversy, other than by adjudication of a presiding judge of a court or an officer of a government agency and where a neutral third party participates to assist in the resolution of issues. It includes arbitration, mediation, conciliation, early neutral evaluation, mini-trial, or any combination thereof.

**Q: What rules govern the ADR process?**

A: The entire ADR process shall not be more than 30 days. Lawyers shall not be allowed to participate during the ADR proper. If the parties agree to settle the case amicably, the LIO or mediator shall prepare the compromise agreement and submit the same to PENRO or the Regional Director of DENR-NCR as the case may be.

**Q: Are the parties allowed to settle amicably despite the filing of a verified Protest?**

A: Yes. At any time during the proceedings, the parties may agree to settle the case amicably. The LIO or mediator through CENRO shall prepare or draft the compromise agreement and submit the same to PENRO or the Regional Director of DENR-NCR as the case may be.

**Q: What are the consequences of the parties' failure to reach an amicable settlement?**

A: After the ocular inspection and the parties failed to settle amicably, the ADR proceedings shall be terminated and the parties shall submit their respective position papers within a non-extendible period of 30 days from the termination of the ocular inspection. The LIO shall submit to PENRO, through CENRO, a final investigation report. The PENRO shall evaluate the final investigation report and forward the same to the Office of the Regional Director.

The regional director shall then forward the investigation report to the Legal Division, which shall evaluate the case and prepare the draft decision. The Legal Division shall forward the draft decision to the Assistant Regional Director, who will transmit it to the Regional Director. Within 30 days from the receipt of the draft decision, the Regional Director may modify, affirm or overturn it.

**Q: What are the remedies in case of an adverse decision of a protest?**

A: Any of the parties may file a Motion for Reconsideration within 15 days from the receipt of the Decision of the Regional Director. Only one MR shall be allowed.

If still unsatisfied with the decision, any aggrieved party may take an appeal to DENR Secretary by filing a notice of appeal and paying the appeal fee to the Office of the Regional Director within 15 days from receipt of the Order or Resolution/Decision of the case.

The appeal shall be perfected after the filing of the notice of appeal and the payment of appeal fees.

Upon perfection of the appeal, the Office of the Regional Director that rendered the decision loses jurisdiction over the case.

The DENR Secretary shall render a decision within 120 days from the date the appeal has been submitted for resolution.

No ocular inspection and further investigation as to facts and circumstances surrounding the case shall be done at the level of the appeal unless authorized by DENR Secretary or his duly authorized representative.

## Other concerns

**Q: Can a miscellaneous sales application be converted into a free patent application?**

A: Yes. A miscellaneous sales application can be converted into a residential free patent application provided the following requisites are complied with:

1. No order of award has been issued;
2. The applicant is informed; and
3. The applicant gives his or her consent to the conversion.

The applicant's consent to the conversion is manifested through the execution of an Affidavit of Relinquishment of Rights (Annex "I").

**Q: If a pending MSA is converted into an application under RA 10023, may the applicant recover previously paid installments?**

A: No. A prerequisite to conversion is the relinquishment of rights to MSA and forfeiture of previously paid installments.

**Q: Are the restrictions under Commonwealth Act No. 141 (Public Land Act) applicable to residential free patents?**

A: No. RA 10023 specifically provides that the following restrictions under the Public Land Act are NOT applicable to residential free patents:

- Section 118 – 5-year prohibition on encumbrance or alienation except to the Government;
- Section 119 – 5-year right to repurchase;
- Section 121 – restrictions on free patents issued in favor of juridical persons;
- Section 122 – alienation of lands covered by free patents to juridical persons, area limitations for individuals; and
- Section 123 – alienation of lands covered by royal decrees and ordinances to juridical persons.





# ANNEXES

## **ANNEX A: Republic Act No. 10023**

### **AN ACT AUTHORIZING THE ISSUANCE OF FREE PATENTS TO RESIDENTIAL LANDS**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

**Section 1. Qualifications.** - Any Filipino citizen who is an actual occupant of a residential land may apply for a Free Patent Title under this Act: Provided; That in highly urbanized cities, the land should not exceed two hundred (200) square meters; in other cities, it should not exceed five hundred (500) square meters; in first class and second class municipalities, it should not exceed seven hundred fifty (750) square meters; and in all other municipalities, it should not exceed one thousand (1,000) square meters; Provided, further, That the land applied for is not needed for public service and/or public use.

**Section 2. Coverage.** - This Act shall cover all lands that are zoned as residential areas, including townsites as defined under the Public Land Act; Provided, That none of the provisions of Presidential Decree No. 705 shall be violated.

Zoned residential areas located inside a delisted military reservation or abandoned military camp, and those of local government units (LGUs) or townsites which preceded Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) law, shall also be covered by this Act.

**Section 3. Application.** - The application on the land applied for shall be supported by a map based on an actual survey conducted by a licensed geodetic engineer and approved by the Department of Environment and Natural Resources (DENR) and a technical description of the land applied for together with supporting affidavit of two (2) disinterested persons who are residing in the barangay of the city or municipality where the land is located, attesting to the truth of the facts contained in the application to the effect that the applicant thereof has, either by himself or through his predecessor-in-interest, actually resided on and continuously possessed and occupied, under a bona fide claim of acquisition of ownership, the land applied for at least ten (10) years and has complied with the requirements prescribed in Section 1 hereof.

**Section 4. Special Patents.** - Notwithstanding any provision of law to the contrary and subject to private rights, if any, public land actually occupied and used for public schools, municipal halls, public plazas or parks and other government institutions for public use or purpose may be issued special patents under the name of the national agency or LGU concerned: Provided, That all lands titled under this section shall not be disposed of unless sanctioned by Congress if owned by the national agency or sanctioned by the sanggunian concerned through an approved ordinance if owned by the LGU.

**Section 5. Removal of Restrictions.** - The restrictions regarding encumbrances, conveyances, transfers or dispositions imposed in Sections 118, 119, 121, 122 and 123 of Chapter XII, Title VI of Commonwealth Act No. 141 as amended, shall not apply to patents issued under this Act.

**Section 6. Period for Application.** - All applications shall be filed immediately after the effectivity of this Act before the Community Environment and Natural Resources Office (CENRO) of the DENR. The CENRO is mandated to process the application within one hundred and twenty (120) days to include compliance with the required notices and other legal requirements, and forward this recommendation to the Provincial Environment and Natural Resources Office (PENRO), who shall have five (5) days to approve or disapprove the patent. In case of approval, patent shall be issued; in case of conflicting claims among different claimants, the parties may seek the proper judicial remedies.

**Section 7. Implementing Rules and Regulations.** - The Director of the Land Management Bureau of the Department of Environment and Natural Resources (DENR) shall promulgate rules and regulations to carry out the provisions of this Act, and shall see to it that such are gender responsive.

**Section 8. Repealing Clause.** - All laws, decrees, executive order, executive issuance's or letters of instruction, rules and regulations or any part thereof inconsistent with or contrary to the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

**Section 9. Separability Clause.** - If, for any reason or reasons, any part or parts of this Act shall be declared unconstitutional or invalid by any competent court, other parts of this Act shall be thereby shall continue to be in full force and effect.

**Section 10. Effectivity Clause.** - This Act shall take effect fifteen days (15) after its publication in two (2) national newspapers of general education.

**ANNEX B: DENR Administrative Order No. 12-10****May 5, 2010****DENR ADMINISTRATIVE ORDER NO. 12-10**

SUBJECT : Rules and Regulations for the Issuance of Free Patents to Residential Lands Under Republic Act No. 10023

Pursuant to Section 7 of Republic Act No. 10023, otherwise known as An Act Authorizing the Issuance of Free Patents to Residential Lands ("RA 10023"), mandating the Director of the Land Management Bureau of the Department of Environment and Natural Resources to issue the implementing rules and regulations of this Act, the following rules and regulations specifically pertaining to residential lands are hereby promulgated:

SECTION 1. *Scope of the Implementing Rules and Regulations.* — This implementing rules and regulations, hereinafter referred to as the IRR, shall only cover applications for free patents pertaining to untitled public alienable and disposable lands which have been zoned as residential. It shall also cover zoned residential areas in proclaimed townsite reservations.

SECTION 2. *Definition of Terms.* — For purposes of RA 10023, the following terms and phrases as used in this IRR are defined and understood as follows:

2.1 *Filipino Citizen* — as enumerated in Article IV Section I of the 1987 Constitution, the following are citizens of the Philippines:

2.1.1 Those who are citizens of the Philippines at the time of the adoption of the 1987 Constitution;

2.1.2 Those whose fathers or mothers are citizens of the Philippines;

2.1.3 Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and

2.1.4 Those who are naturalized in accordance with law.

In addition, a person with dual citizenship as provided for in Republic Act No. 9225 and its implementing rules and regulations shall be considered a Filipino citizen.

2.2 *Actual occupant* — any person who, either by herself or himself or through her or his predecessor-in-interest, is occupying, living in, inhabiting or staying in a structure, the primary purpose of which is to serve as the residence of such person, situated on the parcel of residential land subject of the free patent application. This is subject to the requirements under subsections 2.11, 2.12 and 2.13 below.

2.2.1 For purposes of this IRR, persons employed in distant locations, either foreign or domestic, in public or private service, such that they are not able to stay at their place of residence for long periods of time, are deemed actual occupants.

2.3 *Residential lands* — all lands that have been identified and zoned as residential through the appropriate ordinance by the Local Government Unit (LGU) having jurisdiction over the area. These include residential lands within areas zoned as mixed residential and commercial or mixed residential and industrial.

2.4 *Alienable and Disposable lands* — Lands of the public domain classified as agricultural that may be acquired through grant or confirmation of title.

2.5 *Townsite reservations* — proclaimed areas specifically reserved for the establishment of a new town as provided for in Chapter XI Title V of C.A. 141 or the Public Land Act as Amended.

2.6 *Highly urbanized cities (HUC)* — as defined in Republic Act No. 7610, otherwise known as the Local Government Code (LGC), cities with a minimum population of two hundred thousand (200,000) inhabitants, as certified by the National Statistics Office, and with the latest annual income of at least Fifty Million Pesos (P50,000,000.00) based on 1991 constant prices, as certified by the city treasurer. Provided that, any future changes in qualifications for classification as HUC by the concerned government agency at the time of filing of the application will prevail.

2.7 *First class municipalities* — municipalities with an average annual income of Fifty Five Million Pesos (P55,000,000.00), as provided for in Department Order No. 23-08 of the Department of Finance, dated July 29, 2008 (DO 23-08). Provided that, any future changes in qualifications for classification as first class municipality by the concerned government agency at the time of filing of the application will prevail.

2.8 *Second class municipalities* — municipalities with an average annual income equal to or more than Forty Five Million Pesos (P45,000,000.00), but not exceeding Fifty Five Million Pesos (P55,000,000.00), as provided for in DO 23-08. Provided that, any future changes in qualifications for classification as second class municipality by the concerned government agency at the time of filing of the application will prevail.

2.9 *Use for Public service* — utilization of parcels of land exclusively by the government or any of its instrumentalities in providing basic services to the general public, such as, but not limited to, market places; town, city, provincial, or barangay halls; hospitals, clinics, and health centers; police stations; outposts; jails; and the like.

2.10 *Public use* — utilization of parcels of land for structures which are open to the general public, including, but not limited, to public plazas, parks, resorts, roadways, recreational facilities, libraries, meeting places, playgrounds, public parking lots, and the like.

2.11 *Disinterested person* — any person who has no claim over the parcel of land subject of the free patent application and who does not stand to benefit from titling and registration or any other transaction over such parcel of land. A person is also disinterested when her or his relation to the cause or to the parties is such that she or he has no incentive for exaggerating or giving false color to her or his statements, or for suppressing or perverting the truth or for stating what is false.

2.12 *Predecessor-in-interest* — a person who, before having lawfully transferred the parcel subject of the application to the applicant, has held and possessed the same in her or his own right and under a color of title acquired through any of the modes of acquisition recognized by the Civil Code. She or he has formerly occupied this parcel of land in the concept of an owner under a bona fide claim of ownership, but relinquishes her or his right over the same in favor of the applicant.

2.13 *Actual residence* — utilization of and presence in a residential structure on the parcel subject of the application with the intention to reside, coupled with conduct indicative of such intention, either continuous or interrupted or intermittent, as long as the applicant possesses such structure and the parcel on which it stands in the concept of an owner.

2.14 *Continuous possession and occupation* — use either by the applicant herself or himself, or through her or his predecessor-in-interest, of the parcel subject of the application in the concept of an owner. This may be actual possession or occupation, or constructive possession that provides for non-residence, but with the desire to come back as soon as practicable. The possession and occupation, whether actual or constructive, must be without interruption, except when prevented by force majeure or circumstances beyond human control, or not of intermittent character while it continues. A person who lawfully recovers possession unjustly lost, shall be deemed, for all purposes which may redound to her or his benefit, to have enjoyed it without interruption.

2.15 *Bona fide claim of acquisition of ownership* — claim for the parcel subject of the application that is legally adequate as proof of possession and as acceptable to the community to separate that particular parcel as being owned by the applicant to the exclusion of others. It means that the applicant holds the property by virtue of or through any of the modes of acquisition recognized by the Civil Code. It also refers to a state of mind which is manifested by the acts of the applicant, done with honest intention to abstain from taking an unconscionable or unscrupulous advantage of another. It is the opposite of fraud and its absence should be established by convincing evidence.

2.16 *Accomplished application* — a proper application form completely and duly filled in with the requisite information and that which does not require any additional inputs other than those already provided in the form, together with all other requirements enumerated under Section 5 of the IRR.

2.17 *CENRO* — the Community Environment and Natural Resources Office of the Department of Environment and Natural Resources (DENR) having jurisdiction over the parcel subject of the application, which shall accept the accomplished application submitted by the applicant. In the National Capital Region, the Regional Office shall perform the functions of the CENRO. Where portions of the parcel subject of the application are spread over two (2) or more areas under the jurisdiction of more than one (1) CENRO, the parcel shall be divided such that the portions shall be the subject of separate free patents applied for in the corresponding CENRO where they are located.

2.18 *PENRO*— the Provincial Environment and Natural Resources Office of the Department of Environment and Natural Resources (DENR) having jurisdiction over the parcel subject of the application, which has the power to approve or disapprove such application. In the National Capital Region, the Regional Executive Director shall perform the functions of the *PENRO*. Upon approval of the application, the *PENRO* shall issue the patent over such parcel of land.

SECTION 3. *Qualifications.* — Applicants for the issuance of a residential free patent shall possess the following qualifications, namely:

3.1 Filipino citizenship, as defined in subsection 2.1. In case of doubt, the *CENRO* or the land investigator concerned may ask for proof of citizenship such as, but not limited to, a copy of the birth certificate, passport, decree or order of naturalization, or certificate of dual citizenship.

3.2 Actual occupation, actual residence and continuous possession and occupation of the parcel subject of the application, either by herself or himself or through her or his predecessor-in-interest, under a bona fide claim of acquisition of ownership, for at least ten (10) years prior to the filing of the application.

There shall be no age requirement for applicants as long as minor applicants, aged below eighteen (18) years old, are duly represented by their legal guardians. The heirs of a deceased applicant may substitute the applicant provided that they themselves possess the required qualifications. Only one application shall be allowed per applicant.<sup>53</sup>

SECTION 4. *Coverage.* — The IRR covers all residential lands that have been identified and zoned through the appropriate ordinance of the LGU concerned, provided that the land applied for is not needed for public service and/or public use.

4.1 For highly urbanized cities, the area shall not exceed two hundred (200) square meters.

4.2 For other cities, the area shall not exceed five hundred (500) square meters.

4.3 For first class and second class municipalities, the area shall not exceed seven hundred fifty (750) square meters.

4.4 For all other municipalities, the area shall not exceed one thousand (1000) square meters. In the determination of the size limitation of the parcel subject of the application, the above classifications of LGUs at the time of filing of the accomplished application shall be considered.

All *CENROs* shall secure a copy of approved zoning ordinances of cities and municipalities within their jurisdiction for identification of zoned residential areas. They shall also secure area certifications from the LGU planning offices that the areas identified and zoned as residential lands are not needed for public use or public service. The LGU zoning at the time of filing of the application shall be considered for purposes of complying with the zoning requirement.

SECTION 5. *Requirements for Applications.* — The application form accompanied by the requirements enumerated below shall constitute an accomplished application for the issuance of free patents for residential lands.

5.1 Copy of approved plan based on an actual survey conducted by a licensed geodetic engineer or copy of cadastral map showing the parcel of land applied for. For purposes of securing the approval of a survey, the application number is not necessary.

5.2 Copy of technical description of the parcel of land subject of the application. LMB form 700-2A or LMB form 700-2B may be used.

5.3 Simplified sketch of the land parcel showing the adjacent lots, corners and natural or manmade features that define the boundaries of the land.

5.4 Affidavit of two (2) disinterested persons residing in the barangay of the city or municipality where the land is located, attesting to the truth of the facts contained in the application to the effect that the applicant thereof has, either by himself or through his predecessor-in-interest, actually resided on and continuously possessed and occupied, under a bona fide claim of acquisition of ownership, the subject land for at least ten (10) years.

5.5 For isolated applications, a certification from the Regional Trial Court that there is no pending land registration case involving the land parcel being applied for.

<sup>53</sup> As amended by DENR Administrative Order No. 25-10.

SECTION 6. *Procedure in the CENRO for Processing Applications.* — Applications for residential free patent shall be filed in the CENRO whose jurisdiction covers the area where the parcel of land subject of the application is situated. This may also include on-site acceptance of accomplished applications by the CENRO or any of his authorized representatives. The CENRO may also authorize any public office to accept applications and to prepare applications and documents for processing.

6.1 No application shall be accepted/processed without submitting the complete requirements including the approved plan and technical description. A preliminary assessment of compliance with the qualifications and documentary requirements based on the checklist may be made before acceptance of the application and the commencement of the 120-day period.

6.2 *Posting of Notices.* — Upon receipt of an accomplished application, the CENRO concerned shall cause the posting of notices for 15 days in two (2) conspicuous places within the municipality or city, preferably in the location of its office, or any other place that can be readily seen, such as, but not limited to, public bill boards, public plazas, municipal/city/barangay halls and market places. The CENRO shall issue the certificate of posting of notice after the 15 day period has elapsed.

6.3 The CENRO is required to process the application, including the publication thereof, within a non-extendible period of one hundred twenty (120) days from the date of filing of the accomplished application. The 120-day period starts the moment that an accomplished application leaves the hands of the applicant and is turned over to the CENRO or any authorized representative thereof. The period for verification with the records (e.g., determining whether or not a patent had already been issued for the parcel in question) is included in the 120-day period. The period for approval of surveys is not included in the 120-day period. The CENRO may provide for acceptance and processing of applications by batch (by date or by geography) to comply with the 120-day processing period.

6.4 Upon approval of the CENRO, the application and the complete records of the application shall be forwarded to the PENRO for her or his approval and signature.

6.5 Should the CENRO determine that the application is incomplete in requirements, she or he shall reject the application without prejudice to re filing.

6.6 The investigator shall conduct an ocular inspection on the parcel of land applied for and shall determine the qualifications of the applicant as well as verify the claims of the applicant on the land. The land investigator is authorized to subscribe proofs, affidavits and oaths of any kind required or necessary in connection with the application for residential free patent.

6.7 In case an opposition is filed, the 120-day period for processing shall be deemed interrupted. The CENRO shall notify the applicant on the opposition and shall subject the application to the regular claims and conflict procedures of the DENR.

6.8 The CENRO shall fast track the resolution of all claims and conflicts arising from residential free patent applications within 120 days and shall notify the conflicting parties within 15 days from the date of resolution. The CENRO shall apply alternative dispute resolution (ADR) mechanisms in the resolution of claims and conflicts.

6.9 The CENRO shall establish a computerized data base and system of record keeping with respect to all public land applications and patents arising from the implementation of this Act.

SECTION 7. *Procedure in the PENRO.* — Upon the recommendation of the CENRO concerned, the corresponding PENRO shall have a non-extendible period of five (5) days from receipt of such recommendation to either approve and sign the patent or disapprove the application.

In case of approval, the PENRO shall notify the applicant within 15 days and forward the patent to the Registry of Deeds.

In case of disapproval, the PENRO shall notify the applicant within 15 days and remand the entire records to the CENRO for appropriate action.

The PENRO may disapprove the application without prejudice to re-filing on the grounds of non-compliance with documentary requirements. He/she may disapprove an application with prejudice to refiling on grounds of non-qualification of the applicant and when the land applied for should undergo claims and conflict resolution procedures.

The disapproval of the application by the PENRO may be appealed to the Secretary of the DENR through appropriate channels.

**SECTION 8. *Other Pending Applications.*** — Pending miscellaneous sales applications falling within the purview of RA 10023 prior to the order of award may be converted to applications for residential free patent. Provided, that the applicant is informed and his/her consent is obtained.

All pending miscellaneous sales application after the order of award and those applicants thereof who have commenced payment on any of the required equal annual installments shall be given the option to continue with the miscellaneous sales application or to convert their application into an application under RA 10023, provided that an affidavit of relinquishment of rights to the MSA and of forfeiture of previously paid installments shall be executed.

The conversion of pending Miscellaneous Sales Applications shall comply with the area limits specified in Section 4.

The CENRO shall issue an order cancelling the miscellaneous sales application and converting the MSA to a residential free patent application.

Townsite sales applications falling within the qualifications of R.A. 10023 and before the bidding has been conducted, may also be converted to residential free patent applications. Provided, that the applicant consents to the conversion and provided further, that the applicant relinquishes any other type of claim through an affidavit. And provided further, that the conversion shall comply with the area limits specified in Section 4.

**SECTION 9. *Removal of Restrictions.*** — The following restrictions under Chapter XIII, Title VI of Commonwealth Act No. 141 shall not be applicable to patents issued under RA 10023, to wit:

“Section 118. Except in favor of the Government or any of its branches, units, or institutions, lands acquired under free patent or homestead provisions shall not be subject to encumbrance or alienation from the date of the approval of the application and for a term of five years from and after the date of issuance of the patent or grant, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period, but the improvements or crops on the land may be mortgaged or pledged to qualified persons, associations, or corporations.

No alienation, transfer, or conveyance of any homestead after five years and before twenty-five years after issuance of title shall be valid without the approval of the Secretary of Agriculture and Commerce, which approval shall not be denied except on constitutional and legal grounds.”

“Section 119. Every conveyance of land acquired under the free patent or homestead provisions, when proper, shall be subject to repurchase by the applicant, his widow, or legal heirs, within a period of five years from the date of the conveyance.”

“Section 121. Except with the consent of the grantee and the approval of the Secretary of Natural Resources, and solely for commercial, industrial, educational, religious or charitable purposes or for a right of way, no corporation, association, or partnership may acquire or have any right, title, interest, or property right whatsoever to any land granted under the free patent, homestead, or individual sale provisions of this Act or to any permanent improvement on such land.

The provisions of Section 124 of this Act to the contrary notwithstanding, any acquisition of such land, rights thereto or improvements thereon by a corporation, association, or partnership prior to the promulgation of this Decree for the purposes herein stated is deemed valid and binding; Provided, That no final decision of reversion of such land to the State has been rendered by a court; And Provided, further, That such acquisition is approved by the Secretary of Natural Resources within six (6) months from the effectivity of this Decree.”

“Section 122. No land originally acquired in any manner under the provisions of this Act, nor any permanent improvement on such land, shall encumbered, alienated, or transferred, except to persons, corporations, associations, or partnerships who may acquire lands of the public domain under this Act or to corporations organized in the Philippines authorized therefor by their charters.

Except in cases of hereditary succession, no land or any portion thereof originally acquired under the free patent, homestead, or individual sale provisions of this Act, or any permanent improvement on such land, shall be transferred or assigned to any individual, nor shall such land or any permanent improvement thereon be leased to such individual, when the area of said land, added to that of his own, shall exceed one hundred and forty-four hectares. Any transfer, assignment, or lease made in violation hereof, shall be null and void.”

“Section 123. No land originally acquired in any manner under the provisions of any previous Act, ordinance, royal order, royal decree, or any other provision of law formerly in force in the Philippines with regard to public lands, terrenos baldios y realengos, or lands of any other denomination that were actually or presumptively of the public domain, or by royal grant or in any other form, nor any permanent improvement on such land, shall be encumbered, alienated, or conveyed, except to persons, corporations or associations who may acquire land of the public domain under this Act or to corporate bodies organized in the Philippines whose charters authorize them to do so: Provided, however, That this prohibition shall not be applicable to the conveyance or acquisition by reason of hereditary succession duly acknowledged and legalized by competent courts; Provided, further, That in the event of the ownership of the lands and improvements mentioned in this section and in the last preceding section being transferred by judicial decree to persons, corporations or associations not legally capacitated to acquire the same under the provisions of this Act, such persons, corporations, or associations shall be obliged to alienate said lands or improvements to others so capacitated within the precise period of five years; otherwise, such property shall revert to the Government.”

SECTION 10. Separability Clause. — If, for any reason, any section or provision of this Implementing Rules and Regulations is declared null and void, no other section, provision, or part thereof shall be affected and the same shall remain in full force and effect.

SECTION 11. Repealing Clause. — All orders, circulars, memoranda and other issuances inconsistent herewith are hereby repealed and/or amended accordingly.

SECTION 12. Effectivity. — This order shall take effect fifteen (15) days after the publication thereof in a newspaper of general circulation and acknowledgment of receipt of a copy from the Office of the National Administrative Register.

**ANNEX C: Application for Residential Free Patent**

Republic of the Philippines  
 Department of Environment and Natural Resources  
 Community Environment and Natural Resources Office

Application for Residential Free Patent

Application No.: \_\_\_\_\_ Entry No.: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Citizenship: \_\_\_\_\_ Civil Status: \_\_\_\_\_

Age: \_\_\_\_\_ If minor, name of legal guardian: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Location of residential land applied for: \_\_\_\_\_

Lot No.: \_\_\_\_\_ Pls.: \_\_\_\_\_

Land Area: \_\_\_\_\_ Cad.: \_\_\_\_\_

Applicant's predecessor-in-interest (if any): \_\_\_\_\_

Date of entry by applicant or predecessor-in-interest upon the residential land applied for:  
 (on or about) \_\_\_\_\_.

I declare, under the penalties of perjury, that my total land holdings are not more than 12 hectares and that this application has been made in good faith and to the best of my knowledge all information contained herein are true and correct.

\_\_\_\_\_  
 Applicant's Name and Signature

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_  
 at \_\_\_\_\_.

\_\_\_\_\_  
 Officer Authorized to Administer Oath

**ANNEX D: Affidavit of Disinterested Person**

REPUBLIC OF THE PHILIPPINES )  
PROVINCE OF \_\_\_\_\_ )  
MUNICIPALITY/CITY OF \_\_\_\_\_ ) S.S.

**AFFIDAVIT  
(IN SUPPORT OF RESIDENTIAL FREE PATENT APPLICATION)**

I, \_\_\_\_\_ Filipino, single/married, of legal age and a resident of \_\_\_\_\_ after having been duly sworn to, do hereby depose and state:

1. That I personally know \_\_\_\_\_ who has filed an application for residential free patent over a piece of land located at \_\_\_\_\_;
2. That I am an actual resident of Barangay \_\_\_\_\_ of the City/Municipality of \_\_\_\_\_ and that I know the land applied for very well;
3. That I personally know that the said applicant or his/her predecessors-in-interest has actually resided on and continuously possessed and occupied, under a bona fide claim of acquisition of ownership, the subject land for at least ten (10) years by himself or through his predecessors-in-interest.
4. That I am not related to the applicant either by consanguinity or affinity and not, in any way, interested in the residential land applied for or in the granting of a residential free patent; and
5. That to the best of my knowledge, belief and information, he has the qualifications to apply for a residential free patent under R.A. 10023.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in the place above first written.

\_\_\_\_\_  
Affiant

CTC No. \_\_\_\_\_  
Issued on \_\_\_\_\_ at \_\_\_\_\_

SUBSCRIBED AND SWORN TO before me on the date and place stated above.

\_\_\_\_\_  
Officer Authorized to Administer Oath

**ANNEX E: Checklist of Requirements for Residential Free Patent Application****FOR APPLICANTS**

- Application Form
- Copy of DENR Approved Plan
- Copy of Technical Description
- Simplified Sketch
- Two (2) Affidavits of Disinterested Persons
- Certification of No Pending Land Registration Proceedings covering the land applied for from the Regional Trial Court

**FOR CENRO PERSONNEL  
(FOR APPROVAL OF APPLICATION AND TRANSMITTAL TO PENRO)**

- Application Form with complete attachments
- Certification that the land applied for is classified as agricultural (Alienable and Disposable)
- Certification that the land applied for is not needed for public use or purpose from the LGU Planning and Development Office
- LGU Zoning Ordinance showing that the land subject of the application is zoned as a residential area
- Certificate of posting of Notice of Application
- Investigation and Ocular Inspection Report
- Order of issuance of residential free patent
- Accomplished judicial form
- Transmittal to PENRO

**ANNEX F: Extrajudicial Settlement and Partition**

**EXTRA-JUDICIAL SETTLEMENT OF ESTATE**

We, \_\_\_\_\_, of legal age, \_\_\_\_\_, with residence address  
insert name of heir indicate whether single, married or widowed  
at \_\_\_\_\_ and \_\_\_\_\_  
insert address insert name of heir  
of legal age, \_\_\_\_\_, with residence address at \_\_\_\_\_  
Indicate whether single, married or widowed insert address  
\_\_\_\_\_, respectively on our own volition, declare as follows:

- 1. That we are the sole heirs of the deceased \_\_\_\_\_ who died on \_\_\_\_\_  
insert name of deceased insert date of death  
at \_\_\_\_\_.  
insert place of death
- 2. A copy of the death certificate of the deceased is attached hereto as Annex A.
- 3. That said deceased died intestate, without any last will or testament, and without any outstanding debts in favor of any person or entity;
- 4. That the deceased left a certain parcel of land more particularly described as follows:

insert Technical Description of Property

- 5. That pursuant to Section 1 of Rule 74 of the Rules of Court of the Philippines, and both being with full capacity to contract, we do hereby adjudicate unto ourselves the land described above, in equal shares.

IN WITNESS WHEREOF, we have hereunto set our hands, this \_\_\_\_\_ at \_\_\_\_\_, Philippines.

By: \_\_\_\_\_ By: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_

SIGNED IN THE PRESENCE OF:

\_\_\_\_\_  
Insert name of witness  
Witness

\_\_\_\_\_  
Insert name of witness  
Witness

**ACKNOWLEDGEMENT**

Republic of the Philippines )  
 \_\_\_\_\_ ) S.S.

BEFORE ME, a notary public for and in the City of \_\_\_\_\_, personally appeared:

Name	Valid Government Issued and Identification	Date and Place of Issue

known to me to be the same persons who executed the foregoing Extra-Judicial Settlement of Estate and acknowledged to me that the same is their free and voluntary act and deed.

WITNESS MY HAND AND SEAL, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_.

Notary Public

Doc. No. \_\_\_\_\_;  
 Page No. \_\_\_\_\_;  
 Book No. \_\_\_\_\_;  
 Series of 20\_\_\_\_.

### ANNEX G: Deed of Conveyance

#### DEED OF CONVEYANCE

This Deed of Conveyance, made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_, by and between:

\_\_\_\_\_, Filipino Citizen, of legal age, \_\_\_\_\_, with  
insert name of seller indicate whether single, married or widowed  
residence and postal address at \_\_\_\_\_, (the "Seller");  
insert address

- and -

\_\_\_\_\_, Filipino Citizen, of legal age, \_\_\_\_\_, with  
insert name of buyer indicate whether single, married or widowed  
residence and postal address at \_\_\_\_\_, (the "Buyer");  
insert address

WHEREAS, the Seller is legal and beneficial owner of a parcel of land located in \_\_\_\_\_, with an area of \_\_\_\_\_ square meters, more or less, more particularly described as follows:

(Insert Technical Description of Property)

WHEREAS, the Seller has offered to sell, convey, assign and transfer all his/her rights, title and interest over the above property and the Buyer hereby accepts the conveyance, assignment and transfer in accordance with the terms herein set forth.

NOW, THEREFORE, for and in consideration of the foregoing premises and the sum of \_\_\_\_\_ PHILIPPINE CURRENCY, which the Seller hereby acknowledges to have received from Buyer, the Seller hereby absolutely sells, conveys, assigns and transfers unto the Buyer, all of his/her rights, title and interest to the aforementioned property, together with all improvements found thereon, free from all liens and encumbrances of whatever nature including real estate taxes as of the date of this deed.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the date and place first above written.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
insert name of seller

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
insert name of seller

WITH MY MARITAL CONSENT:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
insert name of seller's spouse

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
insert name of seller's spouse

SIGNED IN THE PRESENCE OF:

\_\_\_\_\_  
insert name of witness  
Witness

\_\_\_\_\_  
insert name of witness  
Witness

**ACKNOWLEDGEMENT**

Republic of the Philippines )  
 \_\_\_\_\_ ) S.S.

BEFORE ME, a notary public for and in the City of \_\_\_\_\_, personally appeared:

Name	Valid Government Issued and Identification	Date and Place of Issue

known to me to be the same persons who executed the foregoing Deed of Conveyance and acknowledged to me that the same is their free and voluntary act and deed.

WITNESS MY HAND AND SEAL, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_.

Notary Public

Doc. No. \_\_\_\_\_;  
 Page No. \_\_\_\_\_;  
 Book No. \_\_\_\_\_;  
 Series of 20\_\_\_\_.

## ANNEX H: Affidavit of Self-Adjudication

### AFFIDAVIT OF SELF-ADJUDICATION

I, \_\_\_\_\_, of legal age, \_\_\_\_\_, with residence address  
insert name of heir indicate whether single, married or widowed  
at \_\_\_\_\_ after having been duly sworn  
insert address  
in in accordance with law, depose and state:

1. That I am the sole heir of the deceased \_\_\_\_\_ who died on \_\_\_\_\_  
insert name of deceased insert date of death  
at \_\_\_\_\_.  
insert place of death
2. A copy of the death certificate of the deceased is attached hereto as Annex A.
3. That said deceased died intestate, without any last will or testament, and without any outstanding debts in favor of any person or entity;
4. That the deceased left a certain parcel of land more particularly described as follows:

insert Technical Description of Property

5. That pursuant to Rule 74, Sec. 1 of the Rules of Court, I hereby adjudicate unto myself the above-described real estate by means of this Affidavit and hereby files the same with the Register of Deeds of \_\_\_\_\_ with the request that the said adjudication be made effective without judicial proceeding as prescribed by the aforementioned provision of the Rules of Court.

IN WITNESS WHEREOF, we have hereunto set our hands, this \_\_\_\_\_ at \_\_\_\_\_, Philippines.

By: \_\_\_\_\_  
Name: \_\_\_\_\_

SIGNED IN THE PRESENCE OF:

\_\_\_\_\_  
Insert name of witness

Witness

\_\_\_\_\_  
Insert name of witness

Witness

**ACKNOWLEDGEMENT**

Republic of the Philippines )  
 \_\_\_\_\_ ) S.S.

BEFORE ME, a notary public for and in the City of \_\_\_\_\_, personally appeared:

Name	Valid Government Issued and Identification	Date and Place of Issue

known to me to be the same persons who executed the foregoing Affidavit of Self-Adjudication and acknowledged to me that the same is their free and voluntary act and deed.

WITNESS MY HAND AND SEAL, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_.

Notary Public

Doc. No. \_\_\_\_\_;

Page No. \_\_\_\_\_;

Book No. \_\_\_\_\_;

Series of 20\_\_\_\_.

**ANNEX I: Affidavit of Relinquishment of Rights**

REPUBLIC OF THE PHILIPPINES )  
PROVINCE OF \_\_\_\_\_ )  
MUNICIPALITY/CITY OF \_\_\_\_\_ ) S.S.

**AFFIDAVIT OF RELINQUISHMENT OF RIGHTS**

I, \_\_\_\_\_ Filipino, single/married, of legal age and a resident of \_\_\_\_\_ after having been duly sworn to, do hereby depose and state:

1. That I have been advised of the provisions of Republic Act No. 10023 or "An Act Authorizing the Issuance of Free Patents to Residential Lands";
2. That I have a subsisting Miscellaneous Sales Application/ Townsite Sales Application/ Sworn application evidenced by \_\_\_\_\_ ;
3. That I wish to avail of the provisions of Republic Act No. 10023 and convert my Miscellaneous Sales Application/ Townsite Sales Application/ Sworn application into a Residential Free Patent Application;
4. That I hereby relinquish all my rights to the Miscellaneous Sales Application/ Townsite Sales Application/ Sworn application and forfeit all previously paid installments in favor of the government;
5. That I have read and fully understood this affidavit of relinquishment of rights, which is hereby given and made willingly and voluntarily and with full knowledge of rights under the law.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in the place above first written.

\_\_\_\_\_  
Affiant

CTC No. \_\_\_\_\_  
Issued on \_\_\_\_\_ at \_\_\_\_\_

SUBSCRIBED AND SWORN TO before me on the date and place stated above.

\_\_\_\_\_  
Officer Authorized to Administer Oath



# THE PARTNERS

## THE ASIA FOUNDATION

The Asia Foundation is a nonprofit international development organization committed to improving lives across a dynamic and developing Asia.



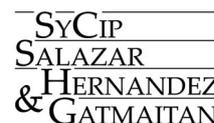
## FOUNDATION FOR ECONOMIC FREEDOM

The Foundation for Economic Freedom is a public advocacy organization dedicated to advancing the cause of economic and political liberty, good governance, secure and well-defined property rights, and market-oriented reforms.



## SYCIP SALAZAR HERNANDEZ & GATMAITAN

SyCip Salazar Hernandez & Gatmaitan (SyCipLaw), founded in 1945, is one of the largest and leading law firms in the Philippines. Although its work centers on business activity, the firm has offered a broad and integrated range of legal services that cover such areas as family relations, constitutional issues, and other matters of law unrelated to commerce.



## THOMSON REUTERS FOUNDATION

The Thomson Reuters Foundation is a global leader in supporting free, independent journalism, human rights, women's empowerment and the rule of law. TrustLaw is the Thomson Reuters Foundation's global pro bono legal programme. It connects high-impact NGOs and social enterprises working to create social and environmental change with the best law firms and corporate legal teams to provide them with free legal assistance.



## LAND MANAGEMENT BUREAU

The Land Management Bureau is a Philippine government agency under the Department of Environment and Natural Resources responsible for administering, surveying, managing, and disposing alienable and disposable lands and other government lands not placed under the jurisdiction of other government agencies.

